



1054

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

'08 MJ 8305

UNITED STATES OF AMERICA,

Plaintiff,

v.

Juan GALVAN-Duarte,

Defendant.

Mag. Case No.

COMPLAINT FOR VIOLATION OFTitle 8, U.S.C., Section 1326  
Deported Alien Found in the United States

The undersigned complainant being duly sworn states:

On or about April 06, 2008, within the Southern District of California, defendant Juan GALVAN-Duarte, an alien, who previously had been excluded, deported and removed from the United States to Mexico was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States code, section 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

\_\_\_\_\_  
Senior Border Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 8<sup>th</sup> DAY OF APRIL 2008.

\_\_\_\_\_  
PETER C. LEWIS  
U.S. MAGISTRATE JUDGE

1 UNITED STATES OF AMERICA

2 v.

3 Juan GALVAN-Duarte

4 STATEMENT OF FACTS

5 The complainant states that this complaint is based upon the statements of the  
6 apprehending Border Patrol Agent, S. Klatil, that the Defendant, Juan GALVAN-Duarte, was  
7 found and arrested on April 6, 2008, near Niland, California.

8 On April 6, 2008, at approximately 4:00 P.M., Agent Klatil was performing his assigned  
9 Border Patrol Duties near at the United States Border Patrol Checkpoint located on Highway  
10 111. Agent Klatil observed an individual, later identified as Juan GALVAN-Duarte, riding a  
11 northbound train. Agent Klatil made contact with GALVAN and questioned him. It was  
12 determined that GALVAN is a native and citizen of Mexico illegally in the United States.  
13 GALVAN was arrested and taken to the Highway 111 Border Patrol Checkpoint for further  
processing.

14 A record check of GALVAN determined he was previously convicted of 8 U.S.C. 1326  
15 and is currently on Supervised Release.

16 There is no evidence of GALVAN having applied for permission to re-enter the United  
17 States or receiving permission from the Attorney General of the United States or his designated  
18 successor, the Secretary of the Department of Homeland Security.  
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